



Entered on Docket
January 08, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:)
)
USA COMMERCIAL MORTGAGE)
COMPANY,)
)
USA CAPITAL REALTY ADVISORS,)
LLC,)
)
USA CAPITAL DIVERSIFIED TRUST)
DEED FUND, LLC,)
)
USA CAPITAL FIRST TRUST DEED)
FUND, LLC,)
)
USA SECURITIES, LLC,)
Debtors.)

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: December 20, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

- ☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

**ORDER SUSTAINING FIFTH OMNIBUS OBJECTION
OF THE USACM LIQUIDATING TRUST TO CLAIMS FOR LACK OF
DOCUMENTATION EXCEPT AS TO PROOF OF CLAIM NO. 10725-01163
FILED BY CAPITAL MORTGAGE INVESTORS, INC. AND PROOF OF CLAIM
10725-01165 FILED BY BARRY J. & PATRICIA B. GOLDSTEIN**

The USACM Liquidating Trust (the "USACM Trust") filed its Fifth Omnibus Objection to Claims for Lack of Documentation [DE 5365] (the "Objection") on November 19, 2007. Appropriate notice of the Objection was given. A Response to the Objection was raised as follows:

- On December 13, 2007, Capital Mortgage Investors, Inc., Barry J. and Patricia B. Goldstein (the "Responding Claimants") filed a Response to the Objection [DE 5484] and provided documentation supporting Proof of Claim Nos. 10725-01163 and 10725-01165. Accordingly, a Stipulation withdrawing the objection as to those claims filed with the Court on December 19, 2007 [DE 5545]. Those claims are not included in Exhibit A attached and are not affected by this Order.

No other responses were received by USACM Trust counsel or filed with this Court. The Objection came before the Court for hearing on December 20, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust's Fifth Omnibus Objection to Claims for Lack of Documentation except to the extent the USACM Trust has withdrawn that objection; and
- Disallowing the Proofs of Claim listed on the attached Exhibit A without prejudice to any rights the claimants listed in Exhibit A may have to recover as Direct Lenders in a particular loan.

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1 PREPARED AND SUBMITTED:

2 LEWIS AND ROCA LLP

3 By: /s/ RC (#0006593)

4 Susan M. Freeman

5 Rob Charles

6 *Attorneys for USACM Liquidating Trust*

7 APPROVED:

8 OFFICE OF THE U.S. TRUSTEE

9 

10 August B. Landis, Esq.

11 Scott A. Farrow, Esq.

12 300 Las Vegas Boulevard, Suite 4300

13 Las Vegas, NV 89101

14 In accordance with Local Rule 9021, the undersigned certifies:

15 ☐ The Court waived the requirements of LR 9021.

16 ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:

17 ☒ approved the form of this order;

18 ☐ waived the right to review the order;

19 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or

20 ☐ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b).

21 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order.

22 ☐ No opposition was filed and no other party or counsel appeared at the hearing.

23 LEWIS AND ROCA LLP

24 By: /s/ RC (#0006593)

25 Susan M. Freeman

26 Rob Charles

Attorneys for USACM Liquidating Trust

**ORDER SUSTAINING FIFTH OMNIBUS
OBJECTION USACM LIQUIDATING TRUST TO
PROOFS OF CLAIM FOR LACK OF
DOCUMENTATION
BK-S-06-10725-LBR**

<u>Creditor Name</u>	<u>Claim No.</u>	<u>Date Filed.</u>	<u>Amount</u>
Cynthia D. Burdige Trust U/A DTD 4/13/00 100 NW 82 nd Avenue Suite 305 Plantation, Florida 33324-1835	10725-00937	11/2/06	\$427,692.00
Cynthia D. Burdige Trust U/A DTD 4/13/00 100 NW 82 nd Avenue Suite 305 Plantation, Florida 33324-1835	10725-00938	11/2/06	\$427,692.00
Masnack, Brenda 9553 East Lynwood Drive Mesa, Arizona 85207	10725-00965	11/2/06	\$975,000.00
Hulse Family Trust c/o Rodney and Catheryn Hulse, Trustees 355 East 1100 S Mapleton, Utah 84664-5012	10725-00973	11/3/06	\$11,538.46
Walter F. Henningsen Revocable Trust DTD 2/18/03 c/o Walter F. Henningsen, Trustee 5470 SW Spruce Avenue Beaverton, Oregon 97005-3561	10725-01023	11/6/06	\$100,478.00
LeBlanc, Jean Jacques IRA P.O. Box 6434 Incline Village, Nevada 89450-6434	10725-01146	11/8/06	\$10,238.91
Edwards, David & Marcy 9528 Yucca Blossom Drive Las Vegas, Nevada 89134	10725-01152	11/9/06	\$50,000.00
Hoffman, Warren 5764 Flintcrest Drive Burlington, Virginia 22601	10725-01166	11/9/06	\$64,118.31

EXHIBIT A